

RESOLUTION
(Parcel No. 19)

A RESOLUTION TO AUTHORIZE STEWART, MELVIN & FROST, LLP, AS SPECIAL COUNSEL TO HALL COUNTY, TO PROCEED WITH THE ACQUISITION BY DEED OR BY CONDEMNATION OF THAT CERTAIN PROPERTY OWNED BY LARRY HARRIS, a/k/a RONALD LARRY HARRIS FOR PUBLIC ROAD PURPOSES; TO AUTHORIZE THE CHAIRMAN OF THE BOARD OF COMMISSIONERS TO EXECUTE ANY DOCUMENTS NECESSARY AND PROPER FOR THE ACQUISITION OF SAID PROPERTY, SUBJECT TO THE REVIEW OF THE COUNTY ATTORNEY; AND FOR SUCH OTHER PURPOSES.

WHEREAS, Article IX, Section II, Paragraph V of the Georgia Constitution of 1983 authorizes counties to exercise the right of eminent domain; and

WHEREAS, O.C.G.A. § 32-3-1 *et seq.* provides for acquisition of property for public road purposes; and

WHEREAS, on January 2, 2020, the location and design of the Sardis Road Connector Project (Federal Aid Project STP00-0003-00(626)) were approved by the Georgia Department of Transportation; and

WHEREAS, said Sardis Road Connector Project (the “Project”) is located in Land Districts 9 and 10 and G.M.D. 570 of Hall County, Georgia, and consists of the widening, realignment, and reconstruction of existing roadways and the construction of new roadways to provide a connector roadway between Georgia State Route 53 to the South and Georgia State Route 60 to the North; and

WHEREAS, the Project will begin at the Sardis Road and Chestatee Road intersection and will extend northward approximately 3.55 miles to Georgia State Route 60 ending near the intersection of State Route 60 and Mount Vernon Road; and

WHEREAS, the proposed roadway will consist of a four-lane curb and gutter divided roadway, having 2 lanes in each direction that will be separated by a 20-foot wide, 6 inch high curb and gutter median and sidewalks will be provided on both sides of the road having a design speed limit of 45 mph; and

WHEREAS, the Hall County Board of Commissioners (the “Board of Commissioners”) has determined that the Project is a public road purpose permitted by law; and

WHEREAS, the Board of Commissioners has further determined that in order to construct the Project it must acquire, by deed or by condemnation proceedings, certain rights of way and easements along certain properties along the proposed Sardis Road Connector; and

WHEREAS, a portion of the property necessary to be acquired is owned by LARRY HARRIS, a/k/a RONALD LARRY HARRIS (hereinafter referred to as “Owner”); and

WHEREAS, a description of the entirety of the property owned by Owner is attached hereto as **Attachment 1**, and by reference made a part hereof (said property being hereinafter sometimes referred to as “Parcel 19”); and

WHEREAS, the property described on **Attachment 1**, and by reference made a part hereof; is designated as tax map number 10072 003087 by the taxing authorities of Hall County; and

WHEREAS, Board of Commissioners has further determined that the portions of Parcel 19 necessary to be acquired in connection with the construction of the Project are as follows:

- (1) A temporary construction easement for the purpose of constructing a driveway, consisting of 0.016 acre, more or less. A metes and bounds description of said temporary construction easement is attached hereto as **Attachment 2**, and by reference made a part hereof; and

WHEREAS, plans for the Project were prepared by WSP USA, Inc. for the Georgia Department of Transportation, are entitled “Right of Way of Proposed Sardis Road Connector from East of Chestatee Road to West of S.R. 60 along S.R. 283, STP00-0003-00(626),” and have an approval date of January 2, 2020 and a last revised date of May 19, 2022 (the “Project Plans”), which Project Plans are on file in the Board of Commissioner’s Office; and

WHEREAS, attached hereto as **Attachment 3**, and by reference made a part hereof, is a copy of the section of the Project Plans showing the easement proposed to be acquired by deed or by condemnation proceedings through, over, and across said Parcel 19 (the “Parcel 19 Property Rights”).

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners, in regular session, that authority is hereby delegated to the Chairman of the Board of Commissioners, through his duly constituted nominees, and the law firm of Stewart, Melvin & Frost, LLP, to proceed with the acquisition of the Parcel 19 Property Rights in such manner as in the discretion of said Chairman of the Board may be necessary or proper for the construction of the Project, including by purchase, contract, or condemnation, and said Chairman of the Board is hereby authorized and directed to initiate such proceedings, perform such acts, and execute such papers as they may deem reasonably proper and necessary to carry out the intent of this Resolution.

RESOLVED FURTHER that the Board hereby authorizes and directs that the Owner shall be paid just compensation for the above described acquisition in the amount of \$1,000.00, which amount is the fair market value of the Parcel 19 Property Rights as determined by independent appraisal.

RESOLVED FURTHER that the Board hereby ratifies and approves the acquisition of any interests in property necessary and proper for the construction of the Project which may have been acquired prior to the effective date of this resolution.

RESOLVED FURTHER that if any paragraph, subparagraph, sentence, clause, phrase, or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

This Resolution is adopted in regular session of the Board of Commissioners, this 11th day of August, 2022, to become effective immediately upon its execution, the public health, safety, and general welfare demanding it.

**HALL COUNTY BOARD OF
COMMISSIONERS**

Richard Higgins, Chairman

Commissioner, District 1
Kathy Cooper

Commissioner, District 2
Billy Powell

Commissioner, District 3
Shelly Echols

Commissioner, District 4
Jeff Stowe

ATTEST:
Jennifer Rivera, County Clerk

(SEAL)

Approved as to form:

County Attorney
Van Stephens

Attachment 1
(Legal Description of the Entirety of Owner's Property)

STATE OF GEORGIA	PROJECT #: STP00-0003-00(626)
COUNTY OF HALL	P.I. #: 0003626, PARCEL 19
	TAX MAP #: 10072 003087
OWNER:	
LARRY HARRIS, a/k/a RONALD LARRY	2735 FRAN MAR DRIVE
HARRIS	

All that lot, tract or parcel of land lying and being in Land Lot 72 of the 10th Land District, Hall County, Georgia, and being a portion of the Frank P. Hatcher Farm. Said property being known as Lot 87 of Section III of Fran-Mar Heights, as shown on plat made by Farley-Collins & Associates, registered surveyors, dated October 5, 1967. A copy of said plat is recorded in Plat Book 38, pages 216-217 of the Hall County, Georgia Plat Records.

Attachment 2
(Legal Description of Temporary Easement for the Construction of a Driveway)

STATE OF GEORGIA	PROJECT #: STP00-0003-00(626)
COUNTY OF HALL	P.I. #: 0003626, PARCEL 19
	TAX MAP #: 10072 003087
OWNER:	
LARRY HARRIS, a/k/a RONALD LARRY HARRIS	2735 FRAN MAR DRIVE

GRANTED IS A TEMPORARY CONSTRUCTION EASEMENT IN THE PROPERTY DESCRIBED BELOW FOR THE CONSTRUCTION OF A DRIVEWAY based on right of way plans prepared by WSP USA, Inc. for Georgia Department of Transportation, Sardis Road Connector, approved January 2, 2020, and last revised May 19, 2022 (the "Project Plans"). Attachment 3 to the Resolution, to which this Attachment 2 is attached, is a copy of the section of the Project Plans depicting Parcel 19 (Sheet 3 of the Project Plans), and a copy of the call sheet for Parcel 19 (Sheet 21 of the Project Plans). Both Sheet 3 and Sheet 21 are dated October 18, 2019, and both were last revised May 19, 2022.

All that tract or parcel of land lying and being in Land Lot 72 of the 10th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a point lying 81.00 feet left of station 41+70.18 per the Project Plans;

thence proceeding thru the property now or formerly of Larry Harris the following courses and distances South 90°00'00" East, 20.63 feet to a point lying 60.37 feet left of station 41+70.18;

thence South 00°20'13" East, 34.00 feet to a point lying 60.17 feet left of station 41+36.18;

thence North 90°00'00" West, 20.83 feet to a point lying 81.00 feet left of station 41+36.18;

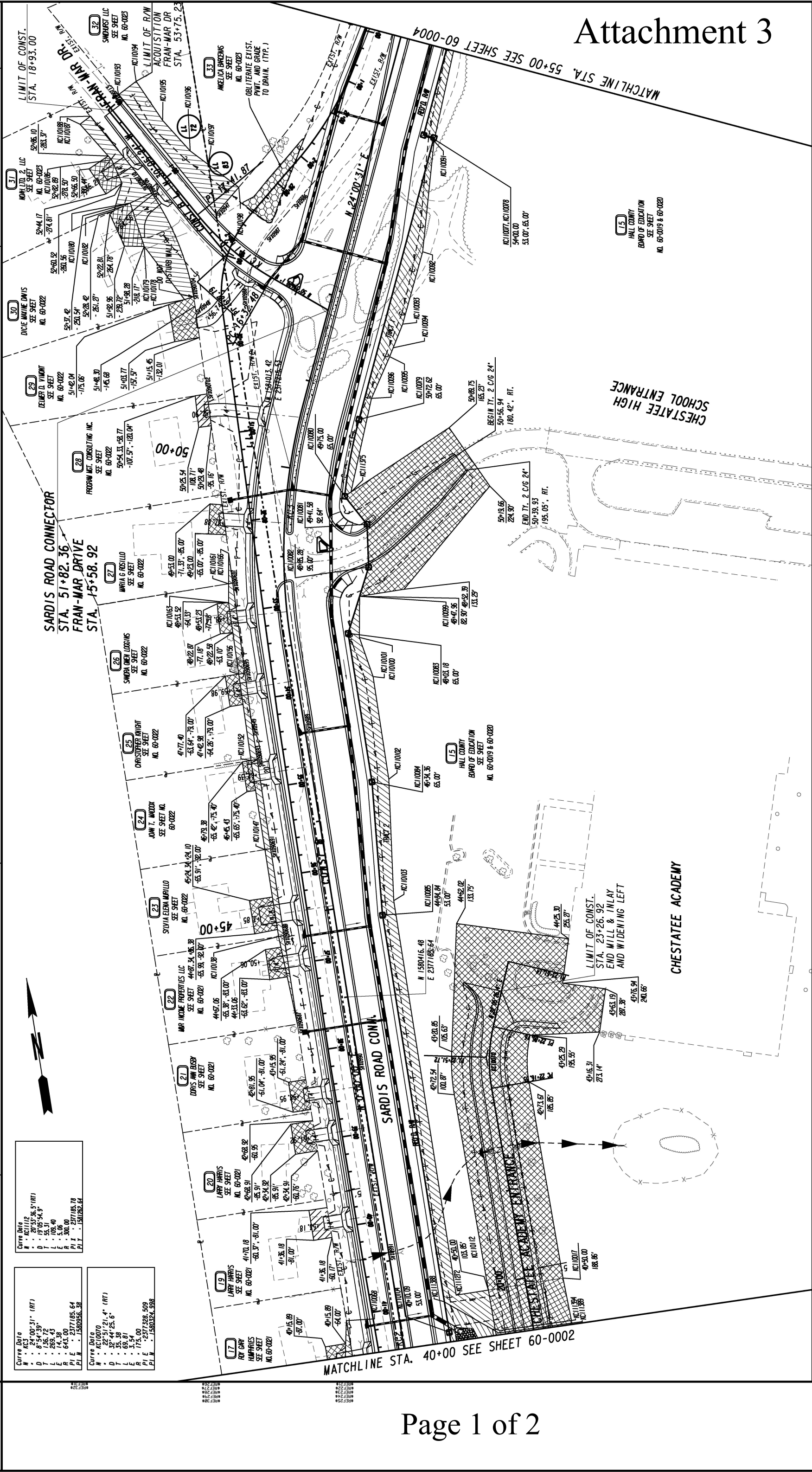
thence North 00°00'00" East, 34.00 feet to the POINT OF BEGINNING.





Said tract contains 704.77 square feet or 0.016 acre per the aforementioned Project Plans.


Said described land being a temporary easement for the right to construct a driveway to connect the newly constructed or widened road right of way to the property owner's remaining lands for driveway purposes. Said temporary easement is depicted in the Project Plans referenced above. Said temporary easement shall be for a duration beginning on the date construction of the Project begins and shall terminate on the date which is five (5) years after the date on which construction of the Project began.

Upon completion of the Project, the driveway will remain in place for use by the property owner.


Attachment 3
(Section of Project Plans Depicting Parcel 19 and Call Sheet for Parcel 19)



PROPERTY AND EXISTING R/W LINE	----	BEGIN LIMIT OF ACCESS.....BLA		DATE	REVISIONS	DATE	REVISIONS	STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP PROJECT NO: 0003626 COUNTY: HALL LAND LOT NO.: 72, 83 LAND DISTRICT: 10 GMD: 570 DATE 10/18/19 SH 03 OF 59
REQUIRED R/W LINE	=====	END LIMIT OF ACCESS.....ELA		8/04/2020	ALL PARCELS TOPO IMP LEVELS ON	05/19/2022	PAR 19 & 28 CHANGED DWT ESMT TO YESMT	
CONSTRUCTION LIMITS	—C—F—	LIMIT OF ACCESS		03/26/2021	PAR 23 REV DMT, PAR 29/30 DO NOT DIB WALL NOTE			
EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES & UTILITY RELOCATION		R/W AND LIMIT OF ACCESS		06/23/2021	PAR 15 REVISED RECD, PESMT, DRESMT, ADDED PERM DRAIN ESMT			
EASEMENT FOR CONSTR OF SLOPES		EXISTING R/W LINE		10/05/2021	PAR 30 REVISED DRESMT			
EASEMENT FOR CONSTR OF DRIVES			01/13/2022	PAR 22 REVISED DWT ESMT				
			05/19/2022	PAR 24 WIDENED DWT				



SCALE IN FEET



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PARCEL 16 REQ'D R/W KC3025
.....
PNT OFFSET/ STATION/ BEARING ALIGNMENT
.....
SVX090671 149.89 L 36+98.38 SARDIS RD CONNECTOR
ARC LENGTH = 100.00 N 0°08'49.11" W
SVX090673 187.69 L 38+23.73 SARDIS RD CONNECTOR
S 89°59'51.2" E
LNTH CHORD = 149.67
SVX090676 42.65 L 38+69.06 SARDIS RD CONNECTOR
S 0°47'06.9" E
SVX0952 70.40 SARDIS RD CONNECTOR
22.80 L 37+97.88
CHORD BEAR = S 0°07'18.3" E
LNTH CHORD = 29.601
RADIUS = 1959.385
DEGREE = 2° 55' 27"''
SVX090675 12.63 L 37+69.30 SARDIS RD CONNECTOR
N 89°59'51.2" W
SVX090671 149.89 L 36+98.38 SARDIS RD CONNECTOR
150.44
REOD R/W = 15018.30 SF
REOD R/W = 0.345 ACRES
REMAINDER = +/- 0.000 ACRES

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PARCEL 17 REQ'D R/W KC3028
.....
PNT OFFSET/ STATION/ BEARING ALIGNMENT
.....
KC110055 49.00 L 38+67.54 SARDIS RD CONNECTOR
ARC LENGTH = 31.683
CHORD BEAR = N 11°03'18.7" E
LNTH CHORD = 31.679
RADIUS = 601.000
DEGREE = 9° 32' 0"''
KC110061 49.00 L 39+01.81 SARDIS RD CONNECTOR
S 0°46'59.6" E
SVX090676 42.65 L 38+69.06 SARDIS RD CONNECTOR
N 89°59'51.2" W
KC110055 49.00 L 38+67.54 SARDIS RD CONNECTOR
REOD R/W = 96.63 SF
REOD R/W = 0.002 ACRES
REMAINDER = +/- 0.340 ACRES

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PARCEL 17 REQ'D PERM. EASW'T. KC3029
.....
PNT OFFSET/ STATION/ BEARING ALIGNMENT
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KC110056 83.20 L 38+58.79 SARDIS RD CONNECTOR
N 23°04'49.7" E
KC110062 75.36 L 39+02.09 SARDIS RD CONNECTOR
N 10°49'43.8" E
KC110063 70.16 L 39+75.61 SARDIS RD CONNECTOR
N 10°49'42.3" E
KC110068 59.12 L 40+41.33 SARDIS RD CONNECTOR
S 0°47'21.7" E
SVX090678 57.47 L 39+76.35 SARDIS RD CONNECTOR
S 0°47'06.9" E
KC110064 53.09 L 39+29.50 SARDIS RD CONNECTOR
S 0°47'15.7" E
KC110061 49.00 L 39+01.81 SARDIS RD CONNECTOR
ARC LENGTH = 31.683
CHORD BEAR = S 11°03'18.7" W
LNTH CHORD = 31.679
RADIUS = 601.000
DEGREE = 9° 32' 0"''
KC110055 49.00 L 38+67.54 SARDIS RD CONNECTOR
N 89°59'51.2" W
KC110056 83.20 L 38+58.79 SARDIS RD CONNECTOR
REOD EASMT = 2742.99 SF
REOD EASMT = 0.063 ACRES

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PARCEL 17 REQ'D DRWY. EASW'T. KC3030
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PNT OFFSET/ STATION/ BEARING ALIGNMENT
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KC110056 83.20 L 38+58.79 SARDIS ROAD CONNECTOR
KC110057 120.63 L 38+47.87 SARDIS ROAD CONNECTOR
KC110065 127.73 L 38+87.27 SARDIS ROAD CONNECTOR
KC110066 103.00 L 39+45.67 SARDIS ROAD CONNECTOR
KC110067 73.31 L 39+44.00 SARDIS ROAD CONNECTOR
KC110062 75.36 L 39+02.09 SARDIS ROAD CONNECTOR
KC110056 83.20 L 38+58.79 SARDIS ROAD CONNECTOR

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PARCEL 17 REQ'D DRWY. EASW'T. KC3032
.....
PNT OFFSET/ STATION/ BEARING ALIGNMENT
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KC110069 87.00 L 39+77.52 SARDIS RD CONNECTOR
KC110070 87.00 L 40+15.89 SARDIS RD CONNECTOR
KC110071 64.00 L 40+15.89 SARDIS RD CONNECTOR
KC110072 69.80 L 39+78.49 SARDIS RD CONNECTOR
KC110069 87.00 L 39+77.52 SARDIS RD CONNECTOR
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PARCEL 19 REQ'D TEMP. EASW'T. KC3038
.....
PNT OFFSET/ STATION/ BEARING ALIGNMENT
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KC110126 81.00 L 41+70.18 SARDIS RD CONNECTOR
KC110127 60.37 L 41+70.18 SARDIS RD CONNECTOR
KC110128 60.17 L 41+36.18 SARDIS RD CONNECTOR
KC110129 81.00 L 41+36.18 SARDIS RD CONNECTOR
KC110126 81.00 L 41+70.18 SARDIS RD CONNECTOR
REOD EASMT AREA = 704.77 SF

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PARCEL 20 REQ'D DRWY. EASW'T. KC3039
.....
PNT OFFSET/ STATION/ BEARING ALIGNMENT
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KC110130 85.91 L 42+68.91 SARDIS RD CONNECTOR
KC110131 60.95 L 42+68.92 SARDIS RD CONNECTOR
KC110132 60.76 L 42+34.91 SARDIS RD CONNECTOR
KC110133 85.91 L 42+34.92 SARDIS RD CONNECTOR
KC110130 85.91 L 42+68.91 SARDIS RD CONNECTOR

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PARCEL 21 REQ'D DRWY. EASW'T. KC3040
.....
PNT OFFSET/ STATION/ BEARING ALIGNMENT
.....
KC110134 81.00 L 43+15.95 SARDIS RD CONNECTOR
KC110135 61.24 L 43+15.95 SARDIS RD CONNECTOR
KC110136 61.04 L 42+81.95 SARDIS RD CONNECTOR
KC110137 81.00 L 42+81.95 SARDIS RD CONNECTOR
KC110134 81.00 L 43+15.95 SARDIS RD CONNECTOR

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PARCEL 22 REQ'D PERM. EASW'T. KC3041
.....
PNT OFFSET/ STATION/ BEARING ALIGNMENT
.....
KC110138 66.01 L 44+79.34 SARDIS RD CONNECTOR
SVX090689 59.97 L 44+79.34 SARDIS RD CONNECTOR
S 0°28'36.3" W
SVX090687 60.81 L 43+78.74 SARDIS RD CONNECTOR
100.73 N 2°57'34.5" W
KC110138 66.01 L 44+79.34 SARDIS RD CONNECTOR
REOD EASMT = 303.72 SF
REOD EASMT = 0.007 ACRES

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PARCEL 22 REQ'D DRWY. EASW'T. KC3042
.....
PNT OFFSET/ STATION/ BEARING ALIGNMENT
.....
KC110141 63.62 L 44+33.06 SARDIS RD CONNECTOR
KC110142 83.00 L 44+33.06 SARDIS RD CONNECTOR
KC110143 83.00 L 44+67.06 SARDIS RD CONNECTOR
KC110144 65.38 L 44+67.06 SARDIS RD CONNECTOR
KC110141 63.62 L 44+33.06 SARDIS RD CONNECTOR

STATE OF GEORGIA			DEPARTMENT OF TRANSPORTATION	
RIGHT OF WAY TABLES			PROJECT NO.: 0003626	
			COUNTY: HALL	
			LAND LOT NO.:	
			LAND DISTRICT:	
			GMD: 570	
			DATE: 10/18/19 SH 21 OF 59	

GEORGIA, HALL COUNTY.

I, JENNIFER RIVERA, do hereby certify that I am the Clerk of the Board of Commissioners of Hall County, Georgia.

I further certify that the foregoing pages constitute a true, correct, and exact copy of a Resolution passed by the Board of Commissioners on August 11, 2022, and that the original of said Resolution is on file in the Hall County Commission Office, Hall County Government Center, 2875 Browns Bridge Road, Gainesville, Georgia 30504.

Given under my hand and seal of Hall County, Georgia this _____ day of _____, 2022.

JENNIFER RIVERA
Clerk of the Board of Commissioners of
Hall County, Georgia.

(SEAL OF HALL COUNTY)